

REMARKS

Claims 1-22 and 25 are currently pending in the present application. It is gratefully acknowledged that the Examiner has found allowable subject matter in Claims 1-4, 8-22, and 25. The Examiner rejected Claims 1-22 and 25 under non-statutory obviousness-type double patenting over Claims 1-11 of U.S. Patent 6,725,054 ('054 patent) (which was the parent application to the present application). The Examiner rejected Claims 1, 4, 5, 7-12, 17 and 22-25 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner rejected Claims 5-7 under 35 U.S.C. §103(a) as being obvious over Holtzman et al. (U.S. Patent 6,788,685) in view of Wheatley, III et al. (U.S. Patent 5,461,639).

Please cancel Claims 5, 6, 9 and 10, without prejudice. Please amend Claims 1, 4, 7, 8, 11, 12, 17, 22 and 25 as set forth herein. No new matter has been added.

Regarding the rejection of Claims 1-22 and 25 under non-statutory obviousness-type double patenting over Claims 1-11 of U.S. Patent 6,725,054, it is respectfully submitted that a filing of a terminal disclaimer will be addressed after all of the remaining issues are resolved.

Regarding the rejection of Claims 4, 7-10 and 22-25 under §112, second paragraph, the Examiner states that the terms “good/bad”, “sufficient/insufficient” and “pass/uncertain” render the claims indefinite. Claims 4, 7-10 and 22-25 have been amended herein to address these issues.

Based on at least the foregoing, withdrawal of the rejection of Claims 4, 7-10 and 22-25 under §112 is respectfully requested.

Regarding the rejections of Claims 1, 4, 5, 7, 8, 11, 12, 17, 22 and 25 under §112, second paragraph, the Examiner states that the claims are incomplete for omitting essential steps. The Examiner states that a comparison to the threshold(s) should be included. Claims 1, 4, 5, 7, 8, 11, 12, 17, 22 and 25 have been amended herein to address these issues.

Based on at least the foregoing, withdrawal of the rejections of Claims 1, 4, 5, 7, 8, 11, 12, 17, 22 and 25 under §112 is respectfully requested.

It is gratefully acknowledged that the Examiner stated that when the §112, second paragraph rejections of Claims 1-4, 8-22 and 25 are addressed, these claims should be in condition for allowance.

Regarding the rejections of Claims 5-7 under §103(a), the Examiner stated that Holtzman et al. in view of Wheatley, III et al. renders the claims obvious. Claims 5 and 6 have been cancelled. Holtzman et al. discloses a method and apparatus for controlling transmission power in a CDMA communications system; and, Wheatley, III et al. discloses fast forward link power control in a code division multiple access system.

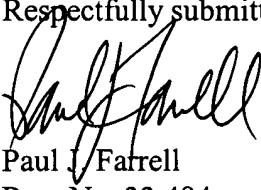
Independent Claim 7 as amended recites a forward power control method for performing forward link transmission power control using a power control command received from a terminal in a mobile communication system capable of discontinuous transmission mode, the method comprising: a first step of transmitting power control bits for power control decrease if a channel state signal of “sufficient” is received from the terminal, a “sufficient” channel state signal comprises: (a) a channel state signal having no errors based on a cyclic redundancy check (CRC), or (b) a channel state signal having errors based on a CRC, having a power control bit power greater than a first threshold, and having a control-to-noise ratio less than a second threshold; and a second step of transmitting power control bits for power control increase if a channel state signal of “insufficient” is received from the terminal, an “insufficient” channel state signal comprises a channel state signal having errors based on a CRC, and further comprises: (a) a power control bit power less than a first threshold, or (b) a power control bit power greater than a first threshold and having a control-to-noise ratio greater than a second threshold.

Neither Holtzman et al. nor Wheatley, III et al., nor any combination thereof, discloses that which is recited in amended Claim 7.

Based on at least the foregoing, withdrawal of the rejection of Claim 7 under §103(a) is respectfully requested.

Independent Claims 1, 4, 7, 8, 11, 12, 17, 22 and 25 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 13-16 and 18-21 these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 13-16 and 18-21 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 7, 8, 11-22 and 25, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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